

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Reissue Application of
U.S. Patent No. 4,775,624

Nils U. Bang et al

Application No.: 09/185,663

Filed: November 4, 1998

For: VECTORS AND COMPOUNDS
FOR EXPRESSION OF
HUMAN PROTEIN C

Group Art Unit: 1652

Examiner: William W. Moore

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**SECOND RENEWED REQUEST FOR INTERFERENCE
AND
SUPPLEMENTAL AMENDMENT**

Assistant Commissioner for Patents
Washington, D.C. 20231

Sir:

INTRODUCTION

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www 4/27/01*

Applicants hereby request that an interference be declared between the instant application to Bang et al. ("Bang") and U.S. Patent Nos. 4,968,626, 5,302,529 and 5,073,609 to Foster et al. ("Foster"). The proposed Count combines interfering claims from each party directed to plasmids comprising cDNA encoding human protein C. The amino acid sequences of the encoded proteins are identical. The cDNA molecules claimed by each party, which are approximately 1300 nucleotides in length, differ by two nucleotides, which do not affect the amino acid sequence of the encoded protein. Under these circumstances, Applicants maintain that the requirement of two-way obviousness is clearly met.

A holding that an interference is not appropriate in this situation can only be based on the trivial differences in DNA sequence between the claims of the parties. Such a holding would be a clear indication that the Board does not consider two DNA sequences to be the same